

DOCKET NO: 245498US41X DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

ALEXANDRE CORJON, ET AL.

: EXAMINER: STEPHEN H. HOLZEN

SERIAL NO: 10/717,465

:

FILED: NOVEMBER 21, 2003

: GROUP ART UNIT: 3644

FOR: METHOD FOR ACCELERATING
DESTRUCTION OF A VORTEX FORMED
BY A WING OF AN AIRCRAFT

:

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated May 4, 2005, Applicant provisionally elects with traverse the species of Group B, identified in the outstanding Office Action as corresponding to Figure 3, and the species of Group C, wherein the perturbation device is disposed within the flap, for further examination on the merits. Applicant identifies Claims 1, 2, 6-13, 17-19, 23-28, 30, and 31 as readable on the elected species. Applicant reserves the right to file one or more divisional applications directed to the non-elected species. Independent Claims 1 and 10 are generic.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

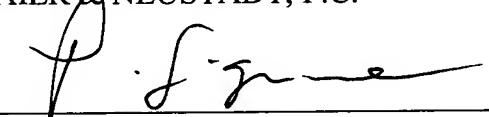
Application No. 10/717,465
Reply to Office Action of May 4, 2005

Although the outstanding Office Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of subclasses. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-31 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\CDA\240-249\245498\245498US_ELECTION.DOC